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08/216, 440 03/23/94 ZHOU

12M2/0916

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Y 418624ACCNCO
EXAMINER

JORDAN, K

ART UNIT PAPER NUMBER

39

1205
DATE MAILED:

09/16/96

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on 8/15/96 This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Notice of Draftsman's Patent Drawing Review, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449.
4. Notice of Informal Patent Application, PTO-152.
5. Information on How to Effect Drawing Changes, PTO-1474.
6.

Part II SUMMARY OF ACTION

1. Claims 27-29, 31-32 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 27-29, 31-32 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. Formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are acceptable; not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner; disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved; disapproved (see explanation).

12. Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

EXAMINER'S ACTION

Art Unit: 1205

Claims 27-29 and 31-32 are pending in this application.

Claims 27-29 and 31-32 are rejected under 35 U.S.C. § 103 as being unpatentable over Deng (AQ) in view of Wang et al. (R) and Lin et al. (S) for reasons already of record. The applicants' remarks have been considered but are unpersuasive. Applicants' argue that the animal model in the Lin et al. reference is not suggestive of oral administration. While Lin et al. may have used the term "oral administration" incorrectly (a point which the examiner ^{does} not concede), the reference is still suggestive of oral administration. As stated in the February 21, 1996 office action, it is well known in the pharmaceutical art to use intragastric gavage to approximate or model the oral administration of drugs to humans (see paragraph bridging pages 2-3 of the office action). The claims remain rejected under 35 U.S.C. 103.

No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly Jordan whose telephone number is (703) 308-4611. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Cintins, can be reached on (703) 308-4725. The fax phone number for this Group is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.



KIMBERLY JORDAN
PRIMARY EXAMINER
GROUP 1200

JORDAN:jd

SEPTEMBER 11, 1996